

UNITED STATES DISTRICT COURT
DISTRICT OF NEW HAMPSHIRE

United States of America

v.

Criminal No. 08-cr-19-01-SM

Anthony Seward

ORDER

Re: Document No. 59, Partially Assented to MOTION for Michael D. Ramsdell to Withdraw as Attorney and Continuance of Sentencing Hearing

Ruling: Denied; the motion does not provide sufficient support for the relief requested. Defendant has had a succession of appointed counsel in this case - some were required to withdraw due to later-discovered conflicts, but Attorneys Garrity, Dennehy, and McCue were permitted to withdraw due to difficulties they experienced with the defendant. Defendant and Attorney Ramsdell now seek withdrawal and yet another appointment of counsel on essentially subjective and ill-defined grounds - primarily due to difficulties of defendant's own creation (e.g., refusal to discuss the case, unspecific claims of ineffective assistance, change of heart with respect to his entered and accepted guilty plea). There is no apparent conflict of interest at issue; defendant's plea of guilty followed a thorough plea colloquy before Judge Barbadoro, during which defendant expressed his understanding of the nature of the charge, the factual circumstances supporting his plea, satisfaction with the legal representation provided by counsel, and his own guilt, so the alluded-to claim of ineffective assistance seems contrived. Counsel's advice to defendant to plead guilty is also facially sound given the record. Defendant's subjective dissatisfaction with counsel at this point, or counsel's subjective dissatisfaction with defendant, is not sufficient to plead, much less establish, a legitimate reason, or good cause, for yet another appointment of substitute counsel in this case. Defendant is free to ignore the sound advice given him; he is free to refuse to cooperate in his own defense; he is within his rights to refuse to speak to Attorney Ramsdell about his case, but he is not free to

thereby orchestrate an unending series of appointments of substitute counsel and concomitant endless delay in bringing this litigation to conclusion. As nothing in the motion to withdraw or the developed record even suggests good cause or a legitimate reason for either withdrawal or appointment of yet another substitute counsel, the motion is denied. See United States v. Mota-Santana, 391 F. 3d 42 (1st Cir. 2004); United States v. Allen, 789 F.2d 90 (1st cir. 1986).



Steven J. McAuliffe
Chief Judge

Date: April 13, 2010

cc: Counsel of Record